

Accordingly, the Court hereby enters the following rulings:

- (1) The R & R (Docket Entry No. 44) is hereby ACCEPTED and APPROVED;
- (2) Defendant's Motion for Summary Judgment (Docket Entry No. 40) is hereby GRANTED; and
- (3) This case is hereby DISMISSED WITH PREJUDICE.

Entry of this Order on the docket shall constitute entry of a final judgment in accordance with Federal Rules of Civil Procedure 58 and 79(a).

It is so ORDERED.



ROBERT L. ECHOLS
UNITED STATES DISTRICT JUDGE